

Financial Services and General Government: FY2012 Appropriations Overview

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Most Recent Developments

On July 7, 2011, the House Appropriations Committee reported H.R. 2434, the Financial Services and General Government Appropriations Act, 2012.¹ H.R. 2434 would provide \$42.97 billion for agencies funded through the House FSGG appropriations subcommittee. In addition, H.R. 2112, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, 2012, would provide \$172 million for CFTC. Total FY2012 funding provided by the House would be \$43.14 billion, about \$5.58 billion below the President's FY2012 request and \$1.55 billion less than FY2011 enacted amounts. **Table 1**, below, reflects the status of FSGG legislation at key points in the appropriations process.

Table 1. Status of FY2012 Financial Services and General Government Appropriations

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conference Report	Conference Report Passed		Public Law
House	Senate						House	Senate	
06/16/11	—	H.Rept. 112-136	—	—	—	—	—	—	—

Introduction

The House and Senate Committees on Appropriations reorganized their subcommittee structures in early 2007. Each chamber created a new FSGG Subcommittee. In the House, the jurisdiction of the FSGG Subcommittee was formed primarily of agencies that had been under the jurisdiction of the Subcommittee on Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies, commonly referred to as "TTHUD."² In addition, the House FSGG Subcommittee was assigned four independent agencies that had been under the jurisdiction of the Science, State, Justice, Commerce, and Related Agencies Subcommittee.³

In the Senate, the jurisdiction of the new FSGG Subcommittee was a combination of agencies from the jurisdiction of three previously existing subcommittees. The District of Columbia, which had its own subcommittee in the 109th Congress, was placed under the purview of the FSGG Subcommittee, as were four independent agencies that had been under the jurisdiction of the Commerce, Justice, Science, and Related Agencies Subcommittee.⁴ Additionally, most of the agencies that had been under the jurisdiction of the Subcommittee on Transportation, Treasury,

¹ U.S. Congress, House Appropriations Committee, *Financial Services and General Government Appropriations Bill, 2012*, report to accompany H.R. 2434, 112th Cong., 1st Sess., H.Rept. 112-136, at <http://www.gpo.gov/fdsys/pkg/CRPT-112hrpt136/pdf/CRPT-112hrpt136.pdf>.

² The agencies previously under the jurisdiction of the TTHUD Subcommittee that did not become part of the FSGG Subcommittee were the Department of Transportation, the Department of Housing and Urban Development, the Architectural and Transportation Barriers Compliance Board, the Federal Maritime Commission, the National Transportation Safety Board, the Neighborhood Reinvestment Corporation, and the United States Interagency Council on Homelessness.

³ The agencies are the Federal Communications Commission (FCC), the Federal Trade Commission (FTC), the Securities and Exchange Commission (SEC), and the Small Business Administration (SBA).

⁴ The agencies are the FCC, FTC, SEC, and SBA.

the Judiciary, Housing and Urban Development, and Related Agencies were assigned to the FSGG Subcommittee.⁵ As a result of this reorganization, the House and Senate FSGG Subcommittees have nearly identical jurisdictions.⁶

Overview

The Financial Services and General Government (FSGG) appropriations bill includes funding for the Department of the Treasury, the Executive Office of the President (EOP), the judiciary, the District of Columbia, and more than two dozen independent agencies. For each title of the regular FSGG appropriations bill, **Table 2** lists the enacted amounts for FY2010 and FY2011, the President's FY2012 request, and amounts approved by the House Appropriations Committee for FY2012.

Table 2. Financial Services and General Government Appropriations, FY2010-FY2012

(in millions of dollars)

Title	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
Title I: Department of the Treasury	\$13,465	\$13,097	\$14,040	\$12,168
Title II: Executive Office of the President	772	706	740	640
Title III: The Judiciary	6,871	6,907	7,289	6,759
Title IV: District of Columbia	752	699	717	637
Title V: Independent Agencies	24,585	23,280	25,937	22,936
Total	\$46,444	\$44,689	\$48,722	\$43,140

Sources: Consolidated Appropriations Act, 2010 (Div. C, P.L. 111-117); Appendix, U.S. Government Budget, FY2011; S.Rept. 111-238; Appendix, U.S. Government Budget, FY2012; H.R. 1473; H.Rept. 112-136.

Note: Totals include funding for the Commodity Futures Trading Commission (CFTC). The CFTC is funded in the House through the Agriculture appropriations bill and in the Senate through the Financial Services and General Government bill.

FY2012 Appropriations by Title

Title I: The Department of the Treasury⁷

The Treasury Department performs a variety of critical governmental functions. They can be summarized as protecting the nation's financial system against a host of illicit activities (e.g., money laundering and terrorist financing), collecting tax revenue, enforcing tax laws, managing

⁵ The agencies that did not transfer from TTHUD to FSGG were Transportation, HUD, the Architectural and Transportation Barriers Compliance Board, the Federal Maritime Commission, the National Transportation Safety Board, the Neighborhood Reinvestment Corporation, and the United States Interagency Council on Homelessness.

⁶ The Commodity Futures Trading Commission is under the jurisdiction of the FSGG Subcommittee in the Senate but not in the House.

⁷ This section was authored by Gary Guenther.

and accounting for federal debt, administering the federal government's finances, regulating financial institutions, and producing and distributing coins and currency.

At its most basic level of organization, Treasury consists of departmental offices and operating bureaus. In general, the offices are responsible for formulating and implementing policy initiatives and managing Treasury's operations, whereas the bureaus perform specific tasks assigned to Treasury, mainly through statutory mandates. In the past decade or so, the bureaus have accounted for more than 95% of the agency's funding and work force.

With one exception, the bureaus and offices can be divided into those engaged in financial management and regulation and those engaged in law enforcement. In recent decades, the Comptroller of the Currency, U.S. Mint, Bureau of Engraving and Printing, Financial Management Service (FMS), Bureau of the Public Debt (BPD), Community Development Financial Institutions Fund (CDFI), and Office of Thrift Supervision have taken on responsibilities related to the management of the federal government's finances or the supervision and regulation of the U.S. financial system. In contrast, law enforcement arguably has been the primary focus of the responsibilities handled by the Alcohol and Tobacco Tax and Trade Bureau (ATB), Financial Crimes Enforcement Network (FinCEN), and the Treasury Forfeiture Fund. With the advent of the Department of Homeland Security in 2002, Treasury's direct involvement in law enforcement has shrunk considerably. An exception to this simplified dichotomy is the Internal Revenue Service (IRS), whose main responsibilities encompass both the collection of tax revenue and the enforcement of tax laws and regulations.

The operating budget for most Treasury bureaus and offices comes largely from annual appropriations. This is the case for the IRS, FMS, Bureau of Public Debt (BPD), FinCEN, ATB, Office of the Inspector General (OIG), Treasury Inspector General for Tax Administration (TIGTA), Special Inspector General for the Troubled Asset Relief Program (SIGTARP), and the CDFI. By contrast, funding for the Treasury Franchise Fund, the U.S. Mint, the Bureau of Engraving and Printing, Office of the Comptroller of the Treasury, and the Office of Thrift Supervision stems from the fees they receive from the services and products they provide.

The President requested \$14.04 billion in total for the Treasury Department for FY2012, an increase of \$573 million over FY2010 enacted funding and \$924 million above FY2011 enacted amounts. **Table 3** lists the enacted amounts for FY2010 and FY2011, the President's FY2012 request, and amounts approved by the House Appropriations Committee for FY2012.

Table 3. Department of the Treasury Appropriations, FY2010-FY2012

(in millions of dollars)

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
Departmental Offices	\$305	\$306	\$325	\$186
Department-wide Systems and Capital Investments	10	4	0	0
Terrorism and Financial Intelligence	—	—	—	100
Office of Inspector General	30	30	30	30
Treasury Inspector General for Tax Administration	152	152	158	152
Special Inspector General for TARP	23	36	47	42

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
Community Development Financial Institutions Fund	247	227	227	183
Financial Crimes Enforcement Network	111	111	84	111
Financial Management Service	244	233	219	217
Alcohol and Tobacco Tax and Trade Bureau	103	101	98	97
Bureau of the Public Debt	182	175	166	164
Payment for Losses in Shipment	2	2	2	2
Internal Revenue Service (total)	12,146	12,122	13,284	11,516
<i>Taxpayer Services</i>	2,279	2,274	2,345	2,166
<i>Enforcement</i>	4,904	5,493	5,031	5,227
<i>Enhanced Tax Enforcement</i>	600	0	1,257	0
<i>Operations Support Activities</i>	4,084	4,076	4,299	3,794
<i>Business Systems Modernization</i>	264	264	334	330
<i>Health Insurance Tax Credit Administration</i>	16	16	18	0
Rescissions: Treasury Forfeiture Fund	(-90)	(-400)	(-600)	(-630)
Total	\$13,465	\$13,097	\$14,040	\$12,168

Sources: Appendix, Budget of the U.S. Government, FY2012, H.Rept. 112-136.

Title II: Executive Office of the President⁸

The FSGG appropriations bill provides funding for all but three offices under the EOP.⁹ The White House, the Office of Management and Budget, and the Office of National Drug Control Policy are among the EOP offices funded through FSGG appropriations. **Table 4** lists the enacted amounts for FY2010 and FY2011, the President's FY2012 request, and amounts approved by the House Appropriations Committee for FY2012.

Table 4. Executive Office of the President, FY2010-FY2012

(in millions of dollars)

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
The White House (total)	\$208	\$207	\$207	\$195
<i>Compensation of the President</i>	0.5	0.5	0.5	0.5

⁸ This section was authored by Barbara Schwemle.

⁹ Of the three exceptions, the Council on Environmental Quality and the Office of Environmental Quality are funded in the House and Senate Interior, Environment, and Related Agencies Appropriations Act. The Office of Science and Technology Policy and the Office of the United States Trade Representative are funded in the House and Senate Commerce, Justice, Science, and Related Agencies Appropriations Act.

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
<i>The White House Office (salaries and expenses)</i>	59	58	58	56
<i>Executive Residence, White House (operating expenses)</i>	14	14	14	13
<i>White House Repair and Restoration</i>	3	2	1	1
<i>Council of Economic Advisers</i>	4	4	4	4
<i>National Security Council and Homeland Security Council</i>	12	13	13	12
<i>Office of Administration</i>	115	115	116	109
Office of Management and Budget	93	92	92	83
Federal Drug Control Programs (total)	428	406	356	352
<i>Office of National Drug Control Policy</i>	30	27	12	12
<i>High Intensity Drug Trafficking Areas Program</i>	239	239	200	239
<i>Other Federal Drug Control Programs</i>	154	141	144	102
<i>Counterdrug Technology Assessment Center</i>	5	0	0	0
Unanticipated Needs	1	1	1	0
Partnership Fund for Program Integrity Innovation	38	(-5)	20	0
Integrated, Efficient and Effective Uses of Information Technology	—	0	60	5
Special Assistance to the President (salaries and expenses)	5	5	4	4
Official Residence of the Vice President (operating expenses)	0.3	0.3	0.3	0.3
Total: EOP and Funds Appropriated to the President	\$ 772	\$706	\$740	\$640

Sources: Consolidated Appropriations Act, 2010 (Div. C, P.L. 111-117), *FY2011 Budget, Appendix*, pp. 1145-1156 and 1267-1269, U.S. Executive Office of the President, *Fiscal Year 2011 Congressional Budget Submission* (Washington: February 2010), *FY2012 Budget Appendix*, pp. 1107-1118 and pp. 1235-1237, and U.S. Executive Office of the President, *Fiscal Year 2012 Congressional Budget Submission* (Washington: February 2011), H.Rept. 112-136.

Note: FY2011 enacted rescission was applied to the Partnership fund for program integrity account. FY2012 rescission for both the President's request and House committee approved amounts would apply to the Office of National Drug Control Policy.

Title III: The Judiciary¹⁰

Appropriations for the judiciary—about two-tenths of 1% (0.2%) of the entire federal budget—are divided into budget groups and accounts. Two accounts that fund the Supreme Court (salaries and expenses of the Court and expenditures for the care of its building and grounds) together total

¹⁰ This section was authored by Lorraine Tong.

about 1% of the total judiciary budget. The structural and mechanical care of the Supreme Court building, and care of its grounds, are the responsibility of the Architect of the Capitol. The rest of the judiciary's budget provides funding for the "lower" federal courts and related judicial services. The largest account, about 73% of the total budget—the Salaries and Expenses account for the U.S. Courts of Appeals, District Courts, and Other Judicial Services—covers the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the U.S. Court of Federal Claims, bankruptcy judges, magistrate judges, and other officers and employees of the federal judiciary not specifically provided for by other accounts. It also covers the necessary expenses of the courts. The remaining 26% of the judiciary budget is disbursed among these accounts: U.S. Court of Appeals for the Federal Circuit, U.S. Court of International Trade, Administrative Office of the U.S. Courts, Federal Judicial Center, U.S. Sentencing Commission, and Judicial Retirement Funds.

The judiciary budget does not fund three "special courts" in the U.S. court system: the U.S. Court of Appeals for the Armed Forces (funded in the Department of Defense appropriations bill), the U.S. Court of Appeals for Veterans Claims (funded in the Military Construction, Veterans Affairs, and Related Agencies appropriations bill), and the U.S. Tax Court (funded under Independent Agencies, Title V, of the FSGG bill). Federal courthouse construction is funded within the General Services account under Independent Agencies, Title V, of the FSGG bill.

The judiciary also uses non-appropriated funds to offset its appropriations requirement. The majority of these non-appropriated funds are from fee collections, primarily from court filing fees. These monies are used to offset expenses within the Salaries and Expenses account. In some instances, the judiciary also has funds which may carry forward from one year to the next. These funds are considered "unencumbered" because they result from savings from the judiciary's financial plan in areas where budgeted costs did not materialize. According to the judiciary, such savings are usually not under its control (e.g., the judiciary has no control over the confirmation rate of Article III judges and must make its best estimate on the needed funds to budget for judgeships, rent costs based on delivery dates, and technology funding for certain programs).

The judiciary also has "encumbered" funds—no-year authority funds for specific purposes, which are used when planned expenses are delayed, from one year to the next (e.g., costs associated with space delivery, and certain technology needs and projects).¹¹

As a co-equal branch of government, the judiciary presents its budget to the President, who transmits it to Congress unaltered. The President's FY2012 budget request for \$7.29 billion is \$423 million more than appropriated for FY2010 and \$387 million above FY2011 enacted amounts. **Table 5** lists the enacted amounts for FY2010 and FY2011, the President's FY2012 request, and amounts approved by the House Appropriations Committee for FY2012.

Table 5. The Judiciary Appropriations, FY2010-FY2012

(in millions of dollars)

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
Total: Supreme Court (total) ^a	\$89	\$82	\$84	\$83
Salaries and Expenses	74	74	75	75

¹¹ Administrative Office of the U.S. Courts, *The Judiciary Fiscal Year 2011 Congressional Budget Summary* (Washington: February 2010), pp. 40-41. Hereafter cited as *Judiciary FY2011 Congressional Budget Summary*.

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
<i>Building and Grounds</i>	15	8	9	8
U.S. Court of Appeals for the Federal Circuit	33	33	35	31
U.S. Court of International Trade	21	21	23	21
Courts of Appeals, District Courts, and Other Judicial Services (Subtotal)	6,519	6,554	6,913	6,403
<i>Salaries and Expenses</i>	5,011	5,004	5,236	4,791
<i>Defender Services</i>	978	1,026	1,099	1,050
<i>Fees of Jurors and Commissioners</i>	62	52	60	57
<i>Court Security</i>	453	467	513	500
<i>Vaccine Injury Trust Fund</i>	5	5	5	5
Administrative Office of the U.S. Courts	83	83	88	80
Federal Judicial Center	27	27	29	26
United States Sentencing Commission	17	17	18	16
Judicial Retirement Funds	82	90	99	99
Total: The Judiciary	\$6,871^a	\$6,907	\$7,289	\$6,759

Sources: Consolidated Appropriations Act, 2010 (Division C, P.L. 111-117); *The Judiciary Fiscal Year 2011 Congressional Budget Summary*; *The Judiciary Fiscal Year 2012 Congressional Budget Summary*, H.Rept. 112-136.

- a. Total for the FY2010 enacted amount reflects \$10 million (to remain available until September 30, 2011) to assist the federal courts along the southwest border with increased workload, as part of P.L. 111-230 (FY2010 emergency supplemental appropriations for border security, and for other purposes).

Title IV: District of Columbia¹²

The authority for congressional review and approval of the District of Columbia's budget is derived from the Constitution and the District of Columbia Self-Government and Government Reorganization Act of 1973 (Home Rule Act).¹³ The Constitution gives Congress the power to "exercise exclusive Legislation in all Cases whatsoever" pertaining to the District of Columbia. In 1973, Congress granted the city limited home rule authority and empowered citizens of the District to elect a mayor and city council. However, Congress retained the authority to review and approve all District laws, including the District's annual budget. As required by the Home Rule Act, the city council must approve a budget within 56 days after receiving a budget proposal from the mayor.¹⁴ The approved budget must then be transmitted to the President, who forwards it to Congress for its review, modification, and approval.¹⁵

The President's FY2012 budget request includes \$717 million for special federal payments to the District, a decrease of \$35 million below FY2010 enacted levels and \$17 million more than

¹² This section was authored by Eugene Boyd.

¹³ See Article I, Sec. 8, clause 17 of the U.S. Constitution and Section 446 of P.L. 93-198, 87 Stat. 801.

¹⁴ 120 Stat. 2028.

¹⁵ 87 Stat. 801.

enacted in FY2011. **Table 6** lists the enacted amounts for FY2010 and FY2011, the President's FY2012 request, and amounts approved by the House Appropriations Committee for FY2012.

Table 6. District of Columbia Special Federal Payments, FY2010-FY2012

(in millions of dollars)

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
Resident Tuition Support	\$35	\$35	\$35	\$30
Emergency Planning and Security	15	15	15	15
District of Columbia Courts	261	243	229	224
Defender Services	55	55	55	55
Court Services and Offender Supervision Agency	212	212	217	213
Public Defender Service	37	37	42	37
Criminal Justice Coordinating Council	2	2	2	2
Judicial Commissions	0.5	0.5	0.5	0.3
St. Elizabeth Hospital Campus	0	0	18	0
HIV/AIDS Prevention	0	0	5	0
Water and Sewer Authority	20	11	25	0
Office of the Chief Financial Officer	2	0	0	0
School Improvement	75	78	67	60
D.C. National Guard	0.4	0.4	2	0.4
Perm. Supportive Housing	17	10	0	0
Arts and Humanities	0	0	5	0
Total: Special Federal Payments	\$752	\$699	\$717	\$637

Sources: H.Rept. 111-202; Appendix, Budget of U.S. Government Budget, Fiscal Year 2011; S.Rept. 111-238; Appendix, Budget of the U.S. Government, FY2012, H.Rept. 112-136.

Title V: Independent Agencies¹⁶

Title V provides funding for more than two dozen independent agencies which perform a wide range of functions, including the management of federal real property (GSA), the regulation of financial institutions (SEC), and mail delivery (USPS). The President's FY2012 budget request included \$26.89 billion for independent agencies that receive their funding through the FSGG appropriations bill, an increase of \$2.31 billion over FY2010 enacted levels and \$3.59 billion below FY2011 enacted amounts. **Table 7** lists the enacted amounts for FY2010 and FY2011, the President's FY2012 request, and amounts approved by the House Appropriations Committee for FY2012.

¹⁶ This section was authored by Garrett Hatch.

Table 7. Independent Agencies Appropriations, FY2010-FY2012
(in millions of dollars)

	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House Committee
Administrative Conference of the United States	\$2	\$3	\$3	\$3
Christopher Columbus Fellowship Foundation	1	0.5	0	0
Civilian Property Realignment Board	—	—	88	—
Commodity Futures Trading Commission ^a	169	203	308	172
Consumer Product Safety Commission	118	115	122	111
Election Assistance Commission	93	16	14	7
Federal Communications Commission	0	(336)	(359)	(319)
Federal Deposit Insurance Corporation: Office of Inspector General (by transfer) ^b	38	(43)	(45)	(45)
Federal Election Commission	67	66	67	66
Federal Labor Relations Authority	25	25	26	24
Federal Trade Commission	169	175	199	155
General Services Administration	653	-986	617	-1,758
Harry S. Truman Scholarship Foundation	1	1	0	1
Merit Systems Protection Board	43	43	44	42
Morris K. Udall Foundation	6	6	6	3
National Archives and Records Administration	457	417	408	360
National Credit Union Administration	1	1	2	0.5
Office of Government Ethics	14	14	14	14
Office of Personnel Management (total)	20,378	20,828	21,151	21,128
Office of Special Counsel	18	18	19	18
Postal Regulatory Commission	14	14	14	14
Privacy and Civil Liberties Oversight Board	2	1	2	-1
Securities and Exchange Commission	1,095	1,185	1,407	1,185
Selective Service System	24	24	25	24
Small Business Administration	824	730	985	978
United States Postal Service	363	331	323	316
United States Tax Court	49	52	60	51
Total: Independent Agencies	\$24,585	\$23,280	\$25,937	\$22,936

Sources: Consolidated Appropriations Act, FY2010 (Div. C, P.L. 111-117); Appendix, Budget of the U.S. Government, FY2011; H.Rept. 111-181; S.Rept. 111-238; Appendix, Budget of the U.S. Government, FY2012, H.Rept. 112-136.

Notes: All figures are rounded, and columns also may not equal the total due to rounding.

- a. The CFTC is funded in the House through the Agriculture appropriations bill and in the Senate through the Financial Services and General Government bill.
- b. Budget authority transferred to FDIC is not included in total FSGG appropriations; it is counted as part of the budget authority in the appropriation account from which it came.

Author Information

Garrett Hatch
Analyst in American National Government

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Key Policy Staff

Area of Expertise	Name
Department of the Treasury	Gary Guenther
Executive Office of the President	Barbara Schwemle
Judiciary	Lorraine Tong
District of Columbia	Eugene Boyd
Civilian Property Realignment Board	Garrett Hatch
Consumer Product Safety Commission	Gary Guenther
Election Assistance Commission	Kevin Coleman
E-Government Fund in GSA	Wendy Ginsberg
Executive Office of the President	Barbara Schwemle
Federal Communications Commission	Patty Figliola
Federal Deposit Insurance Corporation: OIG	Darryl Getter
Federal Election Commission	R. Sam Garrett
Federal Labor Relations Authority	Gerald Mayer
Federal Trade Commission	Gary Guenther
General Services Administration	Garrett Hatch
Merit Systems Protection Board	Barbara Schwemle
National Archives and Records Administration	Wendy Ginsberg
National Credit Union Administration	Darryl Getter
Office of Personnel Management	Barbara Schwemle
Office of Special Counsel	Barbara Schwemle
Privacy and Civil Liberties Oversight Board	Garrett Hatch
Securities and Exchange Commission	Mark Jickling
Selective Service System	David Burrelli

Small Business Administration	Oscar Gonzalez Robert Dilger
U.S. Postal Service	Kevin Kosar
Government-wide General Provisions	Barbara Schwemle
Competitive Sourcing	L. Elaine Halchin
Cuba	Mark Sullivan

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